

**MARGER JOHNSON & McCOLLOM**  
PROFESSIONAL CORPORATION

PATENT, TRADEMARK AND COPYRIGHT LAW,  
TECHNOLOGY LICENSING & LITIGATION

1030 SW MORRISON STREET  
PORTLAND, OREGON 97205 USA

(503) 222-3613  
FAX: (503) 274-4622

Email: jim@techlaw.com  
Internet: www.techlaw.com

**FOR IMMEDIATE DELIVERY**

**TO:** Examiner Paul D. Marcantoni  
U.S. Patent and Trademark Office  
Group 1755

**FAX:** (703) 872-9310

**FROM:** James G. Stewart  
Reg. No. 32,496

**Date:** March 6, 2003

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3

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March 6, 2003

1030 S.W. MORRISON ST.  
PORTLAND, OR USA 97205-2626  
(503) 222-3613  
FAX (503) 274-4622  
Email: info@techlaw.com**VIA FACSIMILE (703) 872-9310**Examiner Paul D. Marcantoni  
**Group 1755**  
United States Patent and Trademark Office  
Assistant Commissioner for Patents and Trademarks  
Washington, D.C. 20231-9999

Re: Application Serial No. 09/481,988  
 Filed: January 11, 2000  
 For: MESOPOROUS-SILICA FILMS, FIBERS, AND POWDERS *alcohol solvent*  
 BY EVAPORATION  
 Our Docket No. 1941-70

Dear Examiner Marcantoni:

The above-referenced reissue application has been arduously examined in the patent office for over three years. Applicant is eager to have the patent reissued, with the already allowed broadened claims as well as with additional claims to which it believes it is entitled. However, we seem to have reached an impasse with your view of certain new matter and enablement issues. After applicant filed his appeal brief, you changed the basis for the rejections, and issued a further, non-final Office action.

We believe that now is the time to reach much-needed agreement on patentability, thus to avoid the time and expense of an appeal.

Accordingly, we propose to amend claim 128 as follows, much in keeping with your earlier suggestions regarding breaking the heating step into a heating-step and a calcining step.

128. (Proposed) A calcined mesoporous silica film on a substrate formed by a process comprising:  
 dispensing a catalyst- and silica precursor- and solvent- and surfactant-containing solution on the substrate;  
 forming a film on the substrate by rapid evaporation of the solution on the substrate;  
 heating the film on the substrate for a time and to a temperature sufficient substantially to remove any residual solvent; and

*see original  
further  
or alcohol containing  
solvent*

*must be an aqueous solvent \**

OK

*Commonium  
Cation  
17000  
17000*

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*\* must be an acid catalyst*

*do not  
have solvent  
for any solvents!*